

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*Aggr  
118668*

**FILE:** B-207604

**DATE:** June 11, 1982

**MATTER OF:** NCR Corporation, Micrographics  
Systems Division

**DIGEST:**

Protest filed with GAO more than 10 working days after protester learns of initial adverse agency action on protest to agency is dismissed as untimely.

NCR Corporation, Micrographics Systems Division (NCR), protests the Army's placing of an order with Datagraphix, Inc. (DI), for a computer output microfiche system under DI's General Services Administration Automatic Data Processing Schedule contract GS-00C-02747.

The record shows that by letter of January 5, 1982, the Army advised NCR that an order had been placed with DI in the amount of \$34,911.30. NCR protested directly to the Army on February 16, 1982, the placing of the order. NCR reports that it met with the Army and the Army advised NCR that it would not revoke its decision to place the order with DI. The Army has advised us that this meeting occurred on March 4, 1982. NCR filed its protest with our Office on May 24, 1982.

Under our Bid Protest Procedures, a protester has 10 working days after initial adverse agency action on its protest filed with the contracting agency to file a protest with our Office. 4 C.F.R. § 21.2(a) (1981). The Army's March 4, 1982, statement was clearly adverse to NCR's position. We did not receive NCR's subsequent protest until May 24, 1982, well beyond the 10-day time limit of 4 C.F.R. § 21.2(a). Therefore, NCR's protest is untimely and will not be considered.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel